

347—300.7(17A) Commencing the contested case.

300.7(1) Introduction. The commencement of a contested case is regulated by the provisions of Iowa Code section 17A.12.

The division is responsible for the commencement of the contested case process, but a person aggrieved or adversely affected by any division action may request a contested case in writing delivered to the division at the address provided in rule 300.5(17A). A request must include the identity of the requesting person, the person's address, and a clear identification of the division's action that aggrieved or adversely affected that person.

The division may dismiss a request for a hearing either entirely or on any particular issue under any of the following circumstances:

- a. Where there has been a previous and final determination or decision by the division concerning the same party on the same facts pertinent to the same issue.
- b. Where the requesting person is not a proper party or does not otherwise have a right to a hearing.
- c. Where the person has failed to request a hearing within the time period specified by statute, rule, or notice.

300.7(2) Notice. The contested case is commenced when the division delivers to the parties to the action a notice which contains:

- a. The date, time and place of the hearing.
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c. A reference to the statutes and rules involved.
- d. A short and plain statement of the matter asserted.
- e. A statement requiring the named party to submit an answer of the type specified in rule 300.6(17A) within 20 days after the receipt of the notice of hearing.

300.7(3) Imperative public health, safety or welfare contested case. When the division finds that public health, safety or welfare imperatively requires emergency action, and makes a finding to that effect, summary suspension of a license will be ordered pending proceedings for revocations or other action.

300.7(4) Appearance or answer. Within 20 days of receipt of the notice the parties shall file with the division an appearance or answer in writing which shall contain:

- a. The name, address and telephone number of the party.
- b. Clear and concise statements regarding any and all allegations in the notice. These statements shall be either appearance, admissions, denials, explanations, remarks or statements of mitigating circumstances.
- c. Any additional facts or information the party deems relevant to the contested case.
- d. A statement indicating whether the party will be present at the hearing and whether the scheduled date and time is acceptable.